

VICKI H. YOUNG
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Counsel for Defendant Eduardo Subirats

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMIT M. EZYONI, et.al.,

Defendants.

No. CR 07-00788 JF

DECLARATION OF COUNSEL IN
SUPPORT OF EX PARTE
APPLICATION FOR WAIVER OF
PERSONAL PRESENCE

Date: August 13, 2008
Time: 10:00 a.m.

I, VICKI H. YOUNG, state and declare as follows:

1. I am the attorney appointed to represent the defendant Eduardo Subirats in the above matter.

2. Eduardo Subirats lives in Miami, Florida. Since the appearance on August 13, 2008, is a status date, he has requested that his personal presence be waived.

3. On August 4, 2008, I spoke with AUSA Jeffrey Nedrow regarding Mr. Subirats' presence at the status date. He advised that he had no objection to excusing the defendant's presence on August 13, 2008.

4. Under F.R.Cr. P. 43(c), a defendant need not be present when the proceeding involves only a conference or hearing upon a question of law.

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1 I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my
2 ability, information and belief except for those matters alleged as to information and belief and as to
3 those matters I believe them to be true.

4 Executed this 4th day of August, 2008, at Palo Alto, California.

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6 /s/ Vicki H. Young
7 VICKI H. YOUNG, ESQ.
8 Attorney for Eduardo Subirats
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